

DEPARTMENT OF STATE
WASHINGTON

November 30, 1998

Excellency:

04-679

I have the honor to refer to the recent discussions between representatives of the Government of the United States of America and of the Government of Japan concerning the cooperation between the National Aeronautics and Space Administration of the United States of America (hereinafter referred to as "NASA") and the National Space Development Agency of Japan (hereinafter referred to as "NASDA") on the Advanced Microwave Scanning Radiometer-E (AMSR-E) Program (hereinafter referred to as "the Program"), which will be undertaken by NASDA as a part of the "Basic Program concerning Space Development" of the Government of Japan.

In consideration of the continuing mutually beneficial relationship between the two Governments in the field of peaceful exploration and use of outer space; taking into account the Agreement between the Government of the United States of America and the Government of Japan on Cooperation in Research and Development in Science and Technology, signed at Toronto, on June 20, 1988, as extended; and reaffirming that the provisions of the Agreement between the Government of the United States of America and the Government of Japan Concerning Cross-Waiver of

His Excellency

Kunihiko Saito,

Ambassador of Japan.

Liability for Cooperation in the Exploration and Use of Space for Peaceful Purposes, signed at Washington, on April 24, 1995, and the Exchange of Notes of the same date between the two Governments concerning subrogated claims shall apply to the Program, I have further the honor to propose on behalf of the Government of the United States of America the following:

1. The cooperation between NASA and NASDA mentioned above will be conducted in accordance with the terms and conditions of detailed arrangements to be agreed between NASA and NASDA for the development, launch and operation of the satellite equipped with the advanced microwave scanning radiometer sensor for earth observation, and related scientific and technological activities.

2. The provisions of the detailed arrangements referred to in paragraph 1 above will be implemented in accordance with the laws and regulations in force in each country. Activities under the detailed arrangements will be undertaken subject to the availability of appropriated funds.

3. Unless otherwise agreed, the Government of the United States of America shall register the satellite referred to in paragraph 1 above in accordance with the provisions of the Convention on Registration of Objects Launched into Outer Space, done at New York, on January 14, 1975.

4. The Government of the United States of America and the Government of Japan shall consult with each other on any matter that may arise from or in connection with the Program with a view to finding a mutually acceptable solution.

5. The present arrangements shall remain in force for ten years, unless terminated by either Government upon six months' written notice of its intention to terminate them through diplomatic channels. The present arrangements may be extended or amended by mutual written agreement of the two Governments.

I have further the honor to propose that, if the foregoing is acceptable to the Government of Japan, this Note and Your Excellency's Note in reply shall constitute an agreement between the two Governments, which will enter into force on the date of Your Excellency's reply.

Accept, Excellency, the renewed assurances of my highest consideration.

For the Secretary of State:

Mary Burt West



EMBASSY OF JAPAN
WASHINGTON, D. C.

November 30, 1998

Excellency,

I have the honor to acknowledge the receipt of Your Excellency's Note of today's date which reads as follows:

"I have the honor to refer to the recent discussions between representatives of the Government of the United States of America and of the Government of Japan concerning the cooperation between the National Aeronautics and Space Administration of the United States of America (hereinafter referred to as "NASA") and the National Space Development Agency of Japan (hereinafter referred to as "NASDA") on the Advanced Microwave Scanning Radiometer-E (AMSR-E) Program (hereinafter referred to as "the Program"), which will be undertaken by NASDA as a part of the "Basic Program concerning Space Development" of the Government of Japan.

In consideration of the continuing mutually beneficial relationship between the two governments in the field of peaceful exploration and use of outer space; taking into account the Agreement between the Government of the United States of America and the Government of Japan on Cooperation in Research and Development in Science and Technology, signed at Toronto, on June 20, 1988, as extended; and reaffirming that the provisions of the Agreement between the Government of the United States of America and the Government of Japan Concerning Cross-Waiver of Liability for Cooperation in the Exploration and Use of Space for Peaceful Purposes, signed at Washington, on April 24, 1995, and the Exchange of Notes of the same date between the two Governments concerning subrogated claims shall apply to the Program, I have further the honor to propose on behalf of the Government of the United States of America the following:

1. The cooperation between NASA and NASDA mentioned above

will be conducted in accordance with the terms and conditions of detailed arrangements to be agreed between NASA and NASDA for the development, launch and operation of the satellite equipped with the advanced microwave scanning radiometer sensor for earth observation, and related scientific and technological activities.

2. The provisions of the detailed arrangements referred to in paragraph 1 above will be implemented in accordance with the laws and regulations in force in each country. Activities under the detailed arrangements will be undertaken subject to the availability of appropriated funds.

3. Unless otherwise agreed, the Government of the United States of America shall register the satellite referred to in paragraph 1 above in accordance with the provisions of the Convention on Registration of Objects Launched into Outer Space, done at New York, on January 14, 1975.

4. The Government of the United States of America and the Government of Japan shall consult with each other on any matter that may arise from or in connection with the Program with a view to finding a mutually acceptable solution.

5. The present arrangements shall remain in force for ten years, unless terminated by either Government upon six months' written notice of its intention to terminate them through diplomatic channels. The present arrangements may be extended or amended by mutual written agreement of the two Governments.

I have further the honor to propose that, if the foregoing is acceptable to the Government of Japan, this Note and Your Excellency's Note in reply shall constitute an agreement between the two Governments, which will enter into force on the date of Your Excellency's reply."

I have further the honor to confirm on behalf of the Government of Japan that the foregoing is acceptable to the Government of Japan and to agree that Your Excellency's Note and this Note in reply shall constitute an agreement between the two Governments, which will enter into force on the date of this reply.

Accept, Excellency, the renewed assurances of my highest consideration.

For the Ambassador Extraordinary
and Plenipotentiary of Japan

H. Kobayashi

Her Excellency
Madeleine Korbel Albright
The Secretary of State